G. R. S. IX-5]

Previous references.

33-98

Later references.

1916

(Mar)

File No. 619

Serial Nos.

1—4

√

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for Oct 18

SUBJECT.

Archakship of the Sri Malleswara swamis temple, Manyadahalli, Channapatna Taluk

---

do Bangalore

No 1091

Dy 2. 10. 18

Rejecting the appeal petn. of Rangappa &c —

W D 88—GPB—50,000—24-7-16

CKVS 15-11-18

1916

GENERAL AND REVENUE SECRETARIAT.

(Inam)

NOTES.

File No. 6/11

FILE HEADING.

Archakship of Sri Mallesvara Swami Temple at Mangadahalli in the ~~Chief~~ Taluk.

From

Rangappa of Mangadahalli,

~~No.~~ Petition Dated 15.5.17 Received

Diary No. 1867	Enclos. /	Spare Copies. —	Serial No. 1

BRIEF ABSTRACT OF LETTER.

19 V

Appeals against the decision of the Deputy Commissioner regarding the Archakships of the said Temple.

NOTES AND ORDERS.

(File no 1898-99 put up).

A printed copy of G.O. no. 3083 dy 14th April 1904 relating to the Archakships of the said temple is put up - the facts of the case are [illegible]

NOTES—First Sheet

GPB—20,000—8-8 11

WD 1233—GPB—60 000—1 12-16—S

General and Revenue Secretariat.

Mug File No. 619 of 191

Serial No.

The present apltś. father Dyaniah was the elder brother of the respdts. father Ramiah. At the time of the order of 1904, both Ramiah and Dyaniah were dead - Ramiah was represented by his minor Son Subraya, and Dyaniah, by his Son Subraya. After hearing the contending parties and their Advocates, and after an examination of the documents relied upon by them, Govt decided that Ramiah was the hakdar Pujari of the temple, that Dyaniah was the Agent of Subraya minor Son of Ramiah, and that at the Inam settlement, Dyaniah represented "Archak" Ramiah. The case was thus decided in favor of Ramiah's minor Son Subraya, who was the apltś as against Dyaniah's Son Subraya.

Dyaniah's another Son Rangappa filed a Suit before the Talook Munsif which was rejected. He then appealed to the Dy. Commr, and that officer rejected it ~~as~~ with the observation that if Rangappa had any claims at all to the office, it was through his father Dyaniah, that Suit had clearly decided as

NOTE—Contn. sheet.

WD 1233—GPB—60 C 0—1 12-16—S

1867

General and Revenue Secretariat. | Inward File No. of 191

Serial No.

That Dyamiah had no right to the Pujarike in question and that the present appellant could not after a lapse of 9 years claim it.

Rangappa has appealed to Govt. The grounds for appeal are summarized in the petition. Rangappa was some 39 years old (his present age is 52 according to his statement) at the time of the order of 1904, and must have had facilities then to contest his claim with his brother Subbaya

Submitted. The D.C's order appealed against was passed on 23.9.1916 - The aplt. asked for a copy of it on 27.9.1916, and the copy was prepared on 22.2.17 and delivered to the appellant on 3.3.17. The appeal petition is dated 15.5.17, and the appeal does not seem to be barred by time.

[This a point for consideration whether a suit is maintainable by local officers on a point disposed of by Govt on the Mus side G.P No P3163 & 27-10-14 is put up for perusal] LOA 13-12-17

21/7/17

Appts father was adjudged

NOTE—Cont. sheet.

WD 1233—G.P.B.—60,000—1.12.16—S

(H)

G. R. S. III-2]

General and Revenue Secretariat.

Mary File No. 619 of 1916

Serial No.

4

to have no right in 1904 by Govt. — Appt. put in his claim before the Amildar who dismissed it and the Dy Commr has upheld the Amlds order. — Inasmuch as the order of 1904 was passed on the merits of the case, Appts father and those that claim through the latter were debarred from urging their claims. — The Amildar & the Dy Commr in effect have held appt that the matter is res judicata. — No appeal lies now against the Dy Commrs order intimating that fact — the Govt may be given liberty regarding appeal.

(Seen)

28/7/17

The applt has paid a Stamp fee of Rs 10 and it would be some consolation if he is given a chance of hearing. Res judicata is a plea in which an applt is entitled to be heard. Govt. to be advised in the matter of the appeal.

28/7/17

30.7.17

28/7/17

Applt to be informed that Govt have decided to allow appeal — Letter 6 Aug 17

Letter issued

28/8/17

15

WD 1230—G1 L—60 000—1 12-16—S.

G. R. S. III-2]

General and Revenue Secretariat

Mutz File No. 617 of 1916

Serial No	
	A draft calling for the entire record is submitted for appl M(G) 4.9.17 anm 4/9/17 appd 4/9/17
2	No: 587 dt 5.9.17, 2 dcs of Bangalore For the above petn the entire records case enclosed in the case early disposal, the case stands for hearing
	The records have not been received. The case is not ready and there not have been posted. As notices have been issued, order of adjt may be given at the hearing dt
3	From, the Dy Commissioner, Bangalore Dt, Letter no , dt 22nd/24th Septr 1917 Submits the vernacular records connected with the case Records received to-day (25th Septr Parties present. Mr Jundu Rao for appellant. Respt wants time to engg Counsel. Adjd BO. 25/9/17

WD 1233—GPL—60 000—1 12-16—S

(6

G. R. S. III-2]

General and Revenue Secretariat

File No. 619 of 1916

Serial No.	
	Appt present. Respdt absent Case adjourned at the instance of Mr Gundu Rao adv. for Appt. BD. M.D. 10/10/18
Adjd to 9-4-1918 (8 A M)	Appt and his advocate Mr Gundu Rao present Respondent absent. Case adjourned. BD M.D. 16/4/18
Adjd to 16-7-1918	[illegible] 16/7/18
Adjd to 18-9-1918	Appellant & Respondent both present — represented by Advocates. Who are ens. The appls main grounds of interim is that he was not a party to the suit when the order of 1907 was passed. That the [illegible] passed was in respect of [illegible] the decree was based [illegible] non-existent [illegible] the [illegible] had his [illegible] was decided [illegible] bringing an [illegible] [illegible] [illegible] the appellant after [illegible]

NOTE—Contn sheet

ND 1200—G 1 1 —60 000—1 12-16—8

R. S. III-2]

General and Revenue Secretariat.

Hmz File No. 616 of 1916.

Serial No

of accuracy of him. He was then to the appt to have joined Corps with his brothers at the time mentioned before. but he omitted to do so He kept in touch evidently with the Regt & Army & seeing how the case would go & when he found that it has gone against him & then he thought he would make an alternative on own account He now contends that the decision against him was wrong & that upon him. unwittingly would be of his claim then not to lose him pension. as it is not possible for him to indicate what was in his mind at the time. The order of 1917 dropping of the name as mentioned. & so in it is not open to him to bring his claim at this stage. The onus against his brother must be one of discovering of any other circumstances. and as such the appeal must fail It is therefore rejected.

18.9

Submitted with a DO under

AG 23.9.18

NOTE—Contn sheet

G. R. S. III-2]

General and Revenue Secretariat.

Peer File No. 619 of 1916.

Serial No.	
4	No 1091 Dy 2 10 18 To D-e of Bangalore Rejects the appe No 1092 Dy 2 10 No 1093 F.

NOTE—Contin[illegible]

The learned Deputy Commissioner erred in holding that the matter in question had already been decided by the Government & thus the Suit is not maintainable.

2. The learned Deputy Commissioner failed to notice that the present plaintiff appellant was no party to the appeal before Government (appeal No. 3688 of 1895-96 & Review petition No. 2230 of 1900-01) and that his father was dead at the time of the said appeal.

3. The learned Deputy Commissioner further failed to notice that the appellants who was a party to the original case which was decided against him appealed to this Honorable Court in Mungrsi appeal case No. 1 of 1892 and got a decision in his favor & that when the respondents appeal was heard before Govt. the plaintiff-appellants father was dead, & the present

not brought on record at all.

4. The learned Deputy Commissioner should have remanded the case and directed the amildar to take evidence & decide the case on merits.

5. The decision is against law, weight of evidence & the probabilities of the case.

15th May 17
Bangalore

ರಂ. ಸಹಿ/ಕನ್ನಡ

Appellant

COURT FEE

12

EIGHT ANAS

In the Court of the Deputy Commissioner

and District Munsif Officer,

Bangalore District

Dated Bangalore, 23rd September 1916

present:- K. R Srinivasa Iyengar, Esqr. M.A

Munsif appeal case No 1 of 1916-17

Appellant vs Respondent

Rangappa Subbarayappa.

Case called. Appellant present in person Respondent absent, notice not having been served on him

The appellant asked for an adjournment owing to the absence of his Lawyer & as I am not prepared to grant an adjournment on this ground, as he never had me notice of the hearing of the appeal for

The following order is passed dismissing the appeal

13

order

The Suit having been filed and forwarded to the Amildar for disposal (in accordance with the government order dated 7th September 1908) before the passing of the Mirasi Regulation I do not see anything illegal in the dis-posal of the Suit by the Amildar.

Turning to the facts of the case, I find that so far back as 1904, government had passed orders on the Suit filed by the respondent against the appellant's father Devappa that the cattle had no right in the pinjarike in question The appellant's brother Subbarayappa represented his father Both Devappa and Subbarayappa having failed in their Suits the appellant has now after a lapse of about 9 years came forward

forward to press his claims. If he had any claims at all to the office, it is through his father Devappa; and as the government have clearly decided that the latter can have claim to the office as against the respondent, I do not think that the appellant can lay now claim to it.

His suit has in the circumstances been rightly dismissed by the Amildar and I see no reason to interfere with the order of the Amildar.

The appeal is dismissed accordingly.

(S/) K R. Srinivasa Iyengar.

Deputy Commissioner
Bangalore District

(Copy).

[illegible]
for Deputy Commissioner
Bangalore District

comp HK

15 27-9-1916

22-2-1917

3-3-1917

Eng 290 R. 15

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0-1-6

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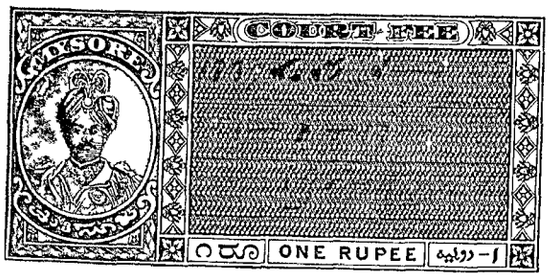
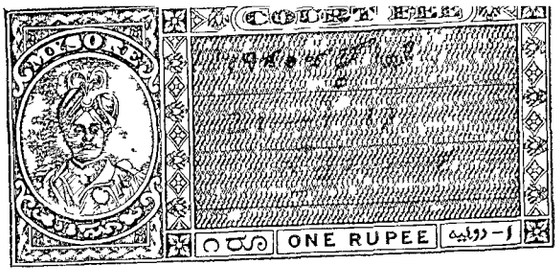
0-0-2





ಕೋರ್ಟಿಗೆ. 16

191 ನೆ ನಂಬರು.

ವಾದಿ.

ಪ್ರತಿವಾದಿ.

VS.

ಮ|| ರಾ||.....ಯವರಿಗೆ

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಅಖೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ಏವಾದ ಜರಗಿಸಲಿಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲುಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ತಿಲ್ಕು ಮೊಒಲಗು ಸಹಾ ಪಡಿಯಲಿಕ್ಕೂ, ನನಗಾಗಿ ರೀಫಂಡ್ ಆಗತಕ್ಕ ಸ್ಟ್ಯಾಂಪನ್ನು ಪಡಿಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸುಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿಧೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಆಯರಾಗಲಿ ಡಿಟೊ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕ್ಕೊಳ್ಳಲು ಬದ್ದನಾಗಿ ೞಧೇನೆ.

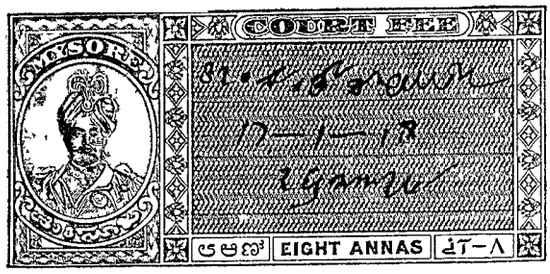
ತಾರೀಖು 2/-8-17 ರುಜು.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಜಯ ಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿಧೇನೆ.

ಈ ಫಾರಂ ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ ೨೬೬ನೆ ನಂಬರು ಷಾಪ್‌ಕೀಪರ್ (ಎಚ್. ಬಿ ಚಿಕ್ಕಣ್ಣ ಶೆಟ್ಟರಲ್ಲಿ) ದೊರೆಯುತ್ತ

V Sangh i Press Bangalore City



Received by
Mr Rama Rao Varadeo
for Mr Gundu Rao.
17/1/18

17 Place in the

Before the Government of Mysore
(Muzrai Department)

Muzrai appeal No. 3 of 1917 18

Appellant
Rangappa

vs

Respondent
Subbarayappa.

The appellant's advocate, respectfully begs to submit as follows:-

1. That the above appeal is posted for hearing tomorrow.

2. That it so chances, that he has to attend an old partheard Criminal case for hearing, tomorrow the 18th inst., at Channapatna.

3. That under these circumstances he prays that the Government may be pleased to adjourn the ~~case~~ above appeal to some other day.

17. 1. 1918

R. Gundu Rao
adv: for applt.

148

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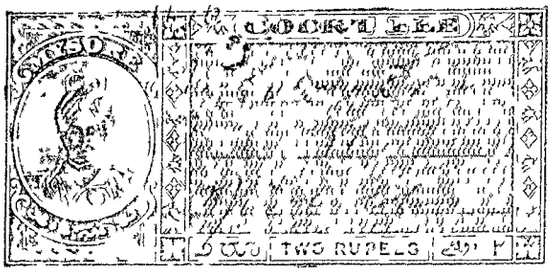
Pleader & Advocate Mysuru.



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ಕೋರ್ಟಿಗೆ.

19 / 19 ನೇ ಇಸವಿ ನಂಬರು.

ವಾದಿ

ಪ್ರತಿವಾದಿ

ಮಾ ರಾ ಯವರಿಗೆ.

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನಪರವಾಗಿ ಕೋರ್ಟಿಗೆಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧ ಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯವಲ್ಲೂ ಅರ್ಜಿವಗೈರೆ ಕೂಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರೀಮೊಬಲಗು ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಸಡದುಕೊಂಡು ರಸೀದಿ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗಾಗಿ ವಾಪಸು ಆಗುವ ದಾವಾ ಸ್ಟ್ಯಾಂಪು ಸ್ಟ್ಯಾಂಪುಗಳು ಸಹ ಪಡೆದು ಕೊಳ್ಳುವದಕ್ಕೂ, ಮತ್ತು ನನ್ನ ಬಾಬತು ವಿಶಿಷ್ಟ ದಸ್ತೈವಜು ವಸೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳುವದಕ್ಕೂ ಮತ್ತೂ ನನಿಗಾಗಿ ಅವಲ್ಜಾರಿ ನಡೆಸುವದಕ್ಕೂ ಸಹ, ಈ ಮೂಲಕ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇರುತ್ತೇನೆ. ಈವಿಷಯದಲ್ಲಿ ತಾವು ನಡಿಸುವ ಕಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿ ಇರುವಂತೆ ಒಪ್ಪಲೂ ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇರ್ಪೇನೆ.

ತಾರೀಖು

ಈ ವೊಕ್ಕಾಲ್ತ್ ನಾಮ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ಸನ್ನ ಸಮಕ್ಷವು ಇದಕ್ಕೆ ರುಜುಮಾಡಿರುವದ್ದರಿಂದ ನಾನು ಸರ್ಟಿಫೈಮ್ಯಾಡಿಇರ್ಪೇನೆ.

ಈ ವೊಕ್ಕಾಲ್ತ್ ನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇರ್ಪೇನೆ.

ಈ ಪಾರಂಗಳು

ಸೂರ್ಯನಾರಾಯಣಾಸ್ತ್ರಿ, ಒಕ್ಕಲ ಸೆಲಾಸ್, ದೊಡ್ಡಪೇಟೆ ಬೆಂಗಳೂರು ಸಿಟಿ.
ಯವರಲ್ಲಿ ದೊರೆಯುತ್ತೆ
ಶಂಕರವಿಲಾಸ ಪ್ರೆಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ.

G. R. S. Vl—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to .. 1867 .....

GENERAL AND REVENUE SECRETARIAT

( )

, the *191* .

Date of issue 5.9.17

Signed by Mr Sadasiva Rao

Section Miscellaneous

File No. 619-16

Serial No. 2

No. 587 with enclosures (1 petition & 2 enclosures)

To

The Dy. Commr,
Bangalore Dist

Sir,

I am directed to forward herewith petition regd. no. 1867 dt 15th May 1917 from Nanjappa son of Devappa appealing against the Dy. Commr's. order regarding the Archakship of Sri Malleswara Swami Temple at Nanjadahalli in the Channapatna Taluk,

over.

and to request that as this
case will be heard before
Court on the 25th instant,
you will be so good as
to send up a report together with
the entire Vernacular record
so as to reach this office as early as possible
~~not later than the 20th inst.~~

I have &c.

WD 4/9/17

(DSR) for joint Asst. Secretary.

24/9/17

List of enclosures.

Copied by

Examined by

W.D. C244—GPB—6 00,000—19 5 16—S

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619-16
3

From The Deputy Commr
Bangalore Dist

To The Joint Secretary to
Govt

Dated

Despatched

Received

General No. 8/19'16
No.

Enclosure No.

Subject

Submits entire file of Vernacular papers Re to Archakship of the Sri Kalleswaraswami of Kanakapura

27 Ens. File

No. 326

From

Office of the Deputy Commissioner,
Bangalore District.
Dated Bangalore, 22nd September 1917.

24

P.F.Bowring, Esq.,
Deputy Commissioner,
Bangalore District.

To

G.Aravamuda Iyengar, Esq., B.A.,B.L.,
Joint Secretary to the Government of Mysore,
Muzrai Department.

Sir,

As called for in your letter No.587 M.F.619-16-3 dated 5th September 1917, I have the honor to forward herewith the entire file of Vernacular papers relating to the Archakship of the Sri Malleswara Swami temple at Mangadahalli in the Chennapatna Taluk and to state that the facts of the case have been given in English in the Amildar's Memo dated 30th May 1916 and in this office order of 23rd September 1916 in the file.

2. The enclosures received with the letter under reply are enclosed in the file.

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Bangalore District.

L.S.R.
1.

Rejects the appeal petition of Rangappa (6) regarding the Archakship of Sri Mallesvara Swami Temple at Mangadahalli, Channapatna Taluk

Before the Government of His Highness the
Maharaja of Mysore.

Appeal No. 3 of 1917-18

Appellant.

Rangappa,

Respondent

Subbaraya Setty.

Subject.

Appeal against order dated 23d Sept 1916 of the Dy Commr, Bangalore Dist, rejecting the apltt's claim to the Archakship of Sri Mallesvara Swami Temple at Mangadahalli in the Channapatna Taluk on the ground that Govt had decided in their order of 1904 that the apltt's father Devappa had no right to the Pujarike in dispute.

Decision The Case was heard

CPB—1 000—8-11

respt being present in
Court and represented through
their Advocates.

The apltś main ground
of contention is that he
was not a party to the
suit when Govt order no. W
770 - Misc. 33-98 dt 7th
March 1901 was passed,
that the order passed was
in any case not binding
as the decree was passed
against one who was
non-existent - deceased -
at the time, and that the
fact that his brother's
representation was decided
adversely to him in order Z
no. 3083 dt 7th April 1906
could not be binding on him.

The apltś brother Subraya
~~appealed~~ applied to Govt in 1906
~~against~~ for the order of 1901
on the very grounds
now urged by the apltś, and
the appeal after being
admitted was disposed of

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form.*)

adversely to him. It was open to the apt to have joined cause with his brother at the time and contested the case, but he omitted to do so. He kept in the background evidently with the object of seeing how the case would go and when he found that it had gone against his brothers, he thought he would make an attempt on his own account. He now contends that the decision against his brothers cannot be binding upon him. Admittedly both the brothers claim their right through their father and it is not possible for them to inherit more than [illegible]

self possessed. The order of 1901 disposed of the claim of the father as untenable, and as such it is not open to the apt to attempt to establish his claim at this stage. The order of 1904 against his brothers must be construed as disposing of finally the claims of the sons and as such the present appeal must fail. It is therefore dismissed.

Memo No 1091 Dy [illegible]
M-71-617-16-4

Copy to the Dy. Commr, Bangalore Dist, with the records received with his letter No. 326 Dy 24-9-18

By.

Dy

GPB—20,000—26-2-14

Joint Secy
Home Dept
24/9/18

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G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Copies to (1) appellant Ramsay Thro his Advocate Mr R. Sundra Rao and (2) respt Subbarayappa Thro his Advocate Mr B Ranjundaiyya

B-O.

Joint Secy